

REQUEST FOR PROPOSALS

for

FINANCIAL ADVISOR SERVICES

Proposal Number BC-11-05-04-02

BOARD OF COUNTY COMMISSIONERS

LEON COUNTY, FLORIDA

RFP Title: Request for Proposals for Financial Advisor Services
Proposal Number: BC-11-05-04-02
Opening Date: Friday, November 5, 2004 at 2:00 PM

I. INTRODUCTION

Leon County, Florida, a political subdivision of the State of Florida, (hereinafter referred to as the County), requests proposals for providing Financial Advisory services to assist the County in the development and implementation of various debt strategies to meet the County's capital financing needs.

Based upon review and consideration by the Selection Committee, the County will select and negotiate with the firm whose proposal is most responsive to the Request for Proposals (the RFP) and in the best interest of the County. **Proposals for joint-venture arrangements will not be considered.** Proposals submitted in response to this RFP must conform to the parameters requested and provide sufficient detail and information to support a complete evaluation of the qualifications of the proposer.

Proposers, their agents and/or associates shall refrain from contacting or soliciting any County official regarding this RFP during the selection process. Failure to comply with this provision may result in disqualification of the Proposer, at the option of the County. Only the individuals listed in Section II paragraph C of this proposal shall be contacted. Failure to follow the instructions in the RFP may be cause for rejection of offer. The County reserves the right to reject any or all responses.

II. GENERAL INSTRUCTIONS:

- A. The response to the proposal should be submitted in a sealed addressed envelope to:

*Proposal Number BC-11-05-04-02
Purchasing Division
2284 Miccosukee Road
Tallahassee, FL 32308*

- B. An original and five (5) copies of the Response must be furnished on or before the deadline. Responses will be retained as property of the County. The proposal marked "Original" must contain a manual signature of an authorized representative of the responding firm or individual, all others may be photocopies.
- C. Any questions concerning the request for proposal process, required submittals, evaluation criteria, proposal schedule, and selection process should be directed to Keith Roberts at (850) 488-6949; FAX (850) 922-4084; or e-mail at keith@mail.co.leon.fl.us.
- D. Special Accommodation: Any person requiring a special accommodation at a Pre-Bid Conference or Bid/RFP opening because of a disability should call the Division of Purchasing at (850) 488-6949 at least five (5) workdays prior to the Pre-Bid Conference or Bid/RFP opening. If you are hearing or speech impaired, please contact the Purchasing Division by calling the County Administrator's Office using the Florida Relay Service which can be reached at 1(800) 955-8771 (TDD).
- E. Proposers are expected to carefully examine the scope of services, and evaluation criteria and all general and special conditions of the request for proposals prior to submission. Each Vendor shall examine the RFP documents carefully; and, no later than seven (7) calendar days prior to the date for receipt of proposals, he shall make a written request to the Owner for interpretations or corrections of any ambiguity, inconsistency, or error which he may discover. All interpretations or corrections will be issued as addenda. The County will not be responsible for oral clarifications.

Only those communications which are in writing from the County may be considered as a duly authorized expression on the behalf of the Board. Also, only those communications from

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firms which are in writing and signed will be recognized by the Board as duly authorized expressions on behalf of proposers.

- F. Your response to the RFP must arrive at the above listed address no later than Friday, November 5, 2004 at 2:00 PM to be considered.
- G. Responses to the RFP received prior to the time of opening will be secured unopened. The Purchasing Agent, whose duty it is to open the responses, will decide when the specified time has arrived and no proposals received thereafter will be considered.
- H. The Purchasing Agent will not be responsible for the premature opening of a proposal not properly addressed and identified by Proposal number on the outside of the envelope/package.
- I. It is the Proposers responsibility to assure that the proposal is delivered at the proper time and location. Responses received after the scheduled receipt time will be marked "TOO LATE" and may be returned unopened to the vendor.
- J. The County is not liable for any costs incurred by proposers prior to the issuance of an executed contract.
- K. Firms responding to this RFP must be available for interviews by County staff and/or the Board of County Commissioners.
- L. The contents of the proposal of the successful firm will become part of the contractual obligations.
- M. Proposal must be typed or printed in ink. All corrections made by the Proposer prior to the opening must be initialed and dated by the Proposer. No changes or corrections will be allowed after proposals are opened.
- N. If you are not submitting a proposal, please return the form attached at the end of the RFP, marked 'No Proposal'.
- O. The County reserves the right to reject any and/or all proposals, in whole or in part, when such rejection is in the best interest of the County. Further, the County reserves the right to withdraw this solicitation at any time prior to final award of contract.
- P. Cancellation: The contract may be terminated by the County without cause by giving a minimum of thirty (30) days written notice of intent to terminate. Contract prices must be maintained until the end of the thirty (30) day period. The County may terminate this agreement at any time as a result of the contractor's failure to perform in accordance with these specifications and applicable contract. The County may retain/withhold payment for nonperformance if deemed appropriate to do so by the County.
- Q. Public Entity Crimes Statement: Respondents must complete and submit the enclosed Public Entity Crimes Statement. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

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- R. Certification Regarding Debarment, Suspension, and Other Responsibility Matters: The prospective primary participant must certify to the best of its knowledge and belief, that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency and meet all other such responsibility matters as contained on the attached certification form.
- S. Licenses and Registrations: The contractor shall be responsible for obtaining and maintaining throughout the contract period his or her city or county occupational license and any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida. Every vendor submitting a response to this request for proposals shall include a copy of the company's local business or occupational license(s) or a written statement on letterhead indicating the reason no license exists. Leon County, Florida-based businesses are required to purchase an Occupational License to conduct business within the County. Vendors residing or based in another state or municipality, but maintaining a physical business facility or representative in Leon County, may also be required to obtain such a license by their own local government entity or by Leon County. For information specific to Leon County occupational licenses please call (850) 488-4735.

If the contractor is operating under a fictitious name as defined in Section 865.09, Florida Statutes, proof of current registration with the Florida Secretary of State **shall be submitted** with the proposal. A business formed by an attorney actively licensed to practice law in this state, by a person actively licensed by the Department of Business and Professional Regulation or the Department of Health for the purpose of practicing his or her licensed profession, or by any corporation, partnership, or other commercial entity that is actively organized or registered with the Department of State **shall submit** a copy of the current licensing from the appropriate agency and/or proof of current active status with the Division of Corporations of the State of Florida or such other state as applicable.

Failure to provide the above required documentation may result in the proposal being determined as non-responsive.

T. Audits, Records, And Records Retention

The Contractor shall agree:

1. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices, which sufficiently and properly reflect all revenues and expenditures of funds provided by the County under this contract.
2. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this contract for a period of five (5) years after termination of the contract, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this contract.
3. Upon completion or termination of the contract and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph 1 above.
4. To assure that these records shall be subject at all reasonable times to inspection, review, or audit by Federal, state, or other personnel duly authorized by the County.

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5. Persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(l)(10), shall have full access to and the right to examine any of provider's contract and related records and documents, regardless of the form in which kept, at all reasonable times for as long as records are retained.
6. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.

U. Monitoring

To permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the provider which are relevant to this contract, and interview any clients and employees of the provider to assure the County of satisfactory performance of the terms and conditions of this contract.

Following such evaluation, the County will deliver to the provider a written report of its findings and will include written recommendations with regard to the provider's performance of the terms and conditions of this contract. The provider will correct all noted deficiencies identified by the County within the specified period of time set forth in the recommendations. The provider's failure to correct noted deficiencies may, at the sole and exclusive discretion of the County, result in any one or any combination of the following: (1) the provider being deemed in breach or default of this contract; (2) the withholding of payments to the provider by the County; and (3) the termination of this contract for cause.

V. Local Preference in Purchasing and Contracting

1. In purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures for which a request for proposals is developed with evaluation criteria, a local preference of not more than five percent (5%) of the total score shall be assigned for a local preference for local businesses. Vendors are directed to the evaluation criteria contained herein to be aware of any local preference points to be assigned for this request for proposals.
2. Local business definition. For purposes of this section, "local business" shall mean a business which:
 - a) Has had a fixed office or distribution point located in and having a street address within Leon County for at least six (6) months immediately prior to the issuance of the request for competitive bids or request for proposals by the County; and
 - b) Holds any business license required by the County, and, if applicable, the City of Tallahassee; and
 - c) Employs at least one (1) full time employee, or two (2) part time employees whose primary residence is in Leon County, or, if the business has no employees, the business shall be at least fifty percent (50%) owned by one or more persons whose primary residence is in Leon County.
3. Certification. Any vendor claiming to be a local business as defined, shall so certify in writing to the Purchasing Division. The certification shall provide all necessary information to meet the requirements of above. The Local Vendor Certification Form is enclosed. The purchasing agent shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a vendor meets the definition of a "local business."

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W. Addenda To Specifications

If any addenda are issued after the initial specifications are released, the County will post the addenda on the Leon County website at <http://www.co.leon.fl.us/purchasing/>. For those projects with separate plans, blueprints, or other materials that cannot be accessed through the internet, the Purchasing Division will make a good faith effort to ensure that all registered bidders (those vendors who have been registered as receiving a bid package) receive the documents. It is the responsibility of the vendor prior to submission of any proposal to check the above website or contact the Leon County Purchasing Division at (850) 488-6949 to verify any addenda issued. The receipt of all addenda must be acknowledged on the response sheet.

III. GENERAL INFORMATION

The County periodically issues debt to finance capital improvement projects. The County may elect to issue various types of debts to finance such projects.

The County will use a financing team consisting of County staff (including County Attorney), external Bond Counsel, Financial Advisor, and Disclosure Counsel. Fixed rate debt issues will be evaluated to determine if negotiated or competitive sale is most advantageous to the County. Variable rate debt may be issued through one or more local government pools.

IV. SCOPE OF PROFESSIONAL SERVICES

The County intends to secure the services of a Financial Advisor to serve as consultant and advisor in the implementation of financings related to the County's Capital Improvement Program and in the conduct of business transactions with financial institutions and other service providers in connection with its debt program. The Financial Advisor selected must be able to provide the full scope of services requested and demonstrate extensive experience in preparing and marketing debt issues, as well as overall financial advice. The required services include, at a minimum, the following:

- A. Assist the County's Financial Advisory Committee in developing an appropriate financing structure for proposed projects to be debt financed.
- B. Provide advice on the structuring, timing and marketing of bond issues.
- C. Assist in dealings and coordinate with, bond counsel, disclosure counsel, rating agencies, consulting engineers, printers, and other professional service providers.
- D. Review and provide input into development of the official statements.
- E. Arrange for the widest possible distribution of the official statement to bond underwriters and potential investors.
- F. Consult, as needed, with County staff regarding various financing options or related concerns.
- G. Assist the County in obtaining and maintaining the highest possible credit ratings.
- H. Assist with bid opening or negotiated sales, as applicable, advising on bond market conditions, computing accuracy of bids received, and preparation of formal recommendation on acceptability of preferred offer.
- I. Assist with bond/loan closings.
- J. Assist with selection of printers, paying agent/registrars, escrow agents, trustees, verification agents and other service providers, as necessary.

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- K. Advise the County on proposed and actual changes in tax laws and financial market developments that could affect County debt financing plans.
- L. Attend County Commission meetings, Financial Advisory Committee Meetings and other scheduled County meetings as requested, with reasonable advance notice.
- M. Provide expert testimony at validation hearings.
- N. Assistance in the review and evaluation of the Sunshine State Governmental Financing Commission or other pooled short-term loan programs and any subsequent loan closings.
- O. Assistance in evaluation and procurement of hedging or other synthetic debt instruments.
- P. Assist with the issuance of conduit agency debt issuance.
- Q. Review secondary market disclosure and assist in any event disclosure requirements.

V. MINIMUM PROPOSAL REQUIREMENTS

- A. To be eligible to qualify as a financial advisor for the County, the primary account representatives assigned to the County's account must meet the following minimum requirements:
 - 1. A minimum of five years of experience in the business of providing financial advisory services to issuers of tax exempt debt.
 - 2. Experience with various debt instruments, including bonds, variable rate debt, and hedging alternatives.
 - 3. Experience with credit supports, negotiating interest rates, refunding, and bond insurance.
- B. The minimum criteria for the firm to qualify to serve as financial advisor are:
 - 1. Sufficient qualified staff with previous municipal financing experience. Key staff must be willing and able to respond to the needs of the County in a timely manner, on an on-going basis.
 - 2. Adequate computer support and technology to meet the needs of the County.
 - 3. The firm selected to serve the County as financial advisor must agree not to bid, or participate in any syndicate which may bid, on any negotiated or competitive debt issued by the County while the contract is effective. The firm selected will be restricted from participating, as a managing underwriter, in negotiated issues for a period of one year in the event of resignation by the firm as the County's financial advisor.

VI. COMPENSATION

- A. Fees: All work performed on behalf of the County not related to the issuance of debt, for which the Financial Advisor will be compensated separately, will be paid at an hourly rate. The proposed hourly rate shall be included in the firm's proposal.
- B. Per Issue Fees: The Proposer shall submit to the County a separate fee schedule for assisting with Bonds sold through Competitive Sale, Negotiated Sale and Loans from a pooled program. Conduit Issue Bonds issued by the County or by a separate agency should be listed under a separate fee schedule. (See Section D under VIII. Proposal Structure).

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- C. Other Service Fees: Identify other financial services that you are proposing to provide and the cost to the County for such services.

VII. SELECTION PROCESS

- A. The County Administrator shall appoint an Evaluation Committee composed of three to five members who will review all proposals received on time, and select one or more firms for interview based on the responses of each proposer. All meetings of Evaluation Committees subsequent to the opening of the solicitation shall be public meetings. Notice of all meetings shall be posted in the Purchasing Division Offices no less than 72 hours (excluding weekends and holidays) and all respondents to the solicitation shall be notified by facsimile or telephone.
- B. The Evaluation Committee will recommend to the Board of County Commissioners (BCC), in order of preference (ranking), up to three (3) firms deemed to be most highly qualified to perform the requested services.
- C. The BCC will negotiate with the most qualified firm (first ranked firm) for the proposed services at compensation which the BCC determines is fair, competitive, and reasonable for said services.
- D. Should the BCC be unable to negotiate a satisfactory contract with the firm considered to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated. The County shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm the Board shall terminate negotiations. The BCC representative shall then undertake negotiations with the third most qualified firm.
- E. Should the County be unable to negotiate a satisfactory contract with any of the selected firms, the Board representative shall select additional firms to continue negotiations.
- F. In keeping with the County's Consultant Selection Process, an Evaluation Committee shall be utilized to review and evaluate the proposals; select the firms to be interviewed, rank proposals, and; recommend the firm to be selected. The Committee will select a "short list" of firms based on the below. These firms will then be evaluated and ranked based on the oral interviews. The criteria and weighting for evaluation are as follows:

1. Experience and ability of the firm	30 points
2. Experience and ability of the primary Individual(s) assigned to the County	25 points
3. Local preference points	5 points
4. Minority Business Enterprise Participation	10 points
5. Innovation	10 points
6. Fees	<u>20 points</u>
Total Maximum	100 points

VIII. PROPOSAL STRUCTURE

In order to maintain comparability and simplify the review process, all proposals submitted are required to be organized in the following manner:

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Title Page

The title page should contain the following:

- The proposal title and number
- The name of the proposing firm
- The name, address and telephone number of the contact person

Table of Contents

- The table of contents should include a clear identification of the material included in the proposal, by section and by page number.

Letter of Transmittal

The letter of transmittal should:

- be limited to a maximum of two pages;
- briefly state the proposer's understanding of the work to be performed; and, give the names of the persons who will be authorized to make representations for the proposer, their titles, addresses, and telephone and fax numbers.

Section A. Proposing Firm and Personnel Information:

1. Provide a description of your firm's history, ownership, organizational structure, location of its management, experience with Florida law and debt management policies. Include any special expertise which your firm has in any particular segment of the municipal finance industry.
2. Provide the address of the office where the person(s) directly servicing the County's account will be located. Identify the number of partners, managers, supervisors, seniors, and other professional staff located at that office.
3. Describe your firm's technological capabilities, including computer hardware, software, access to market pricing and any other pertinent information.
4. Provide resumes of all persons to be assigned to the County, including experience, qualifications, location and contact number. For each individual listed as providing services to the County, please describe in detail the services they will provide or the role they will play.
5. List at least 3 governmental agencies for which financial advisory services were provided. Indicate the dates (length) of service. Specify the name, title, addresses, and telephone numbers of individuals who may be contacted.
6. All bidders must list all contracts that have been canceled, terminated, non-renewed, or lost due to unsatisfactory performance within last three (3) years. These contracts shall be reported in the same format as a reference with contact person information as outlined above.

Section B. Experience and Performance Information:

1. Provide a listing of all financings your firm has served on as financial advisor or senior manager since January 1, 2001. For each financing include:
 - a. Date and Name of Issue
 - b. Type of Financing (refunding versus new; competitive versus negotiated)

- c. Amount
 - d. Purpose of Financing (i.e., electric, water, general obligation, housing, etc.)
 - e. Firms role (financial advisor, underwriter, senior or co-manager)
 - f. Name and telephone number for the senior contact person for each financing
2. In no more than six (6) pages answer the following questions:
- a. Describe ideas or issues the County should consider in issuing debt
 - b. Describe any innovative programs or ideas which maybe applicable to future County transactions.
 - c. Identify why the County should select your firm to provide financial advisory services.
 - d. What other services can your firm offer in addition to those previously requested?
 - e. Identify any processes, software, mechanisms or other suggestions in fulfilling the requirement presented above.

Section C. Innovation and Customized Work Approach

1. Describe any innovative financial techniques and programs (e.g., customized financial advisory computer analysis services) utilized by your firm as financial advisor and how they might specifically apply to the County. Also, describe how your firm would assist the County in developing and implementing any new financial program. For techniques previously utilized, list the situations in which they were implemented and references.
2. Describe any financing methods and programs that the County does not already use that could enhance its debt issues, maintain its superior credit ratings and preserve its debt issuing capacity.
3. Many issuers use competitive bidding as an alternative to negotiated sales. What is your view of these competing alternatives? For an Issuers with a strong credit rating, which provides the best prices (lowest yield)? Under which circumstances would you recommend each?
4. In structuring a bond to be sold competitively, how do you secure information which provides the best prices (lowest yields) while maintaining desirability to investors in current market.
5. How do you handle the pricing of a bond to be sold through a negotiated transaction? What sources of information would you use and how would you confirm the veracity of the information provided by the underwriter.
6. Please provide any information or commentary on the pros and cons of internet bidding on competitively sold bonds.
7. The county is interested in maintaining a relatively uncomplicated debt structure for ease of management and communications with the investment community. At the same time the County desires to maximize flexibility and borrowing capacity. Given these goals, what changes would you suggest to the counties existing debt structure?

Section D. Compensation

As stated in Part V, Compensation, the County will compensate the financial advisory for on-going

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services through payment of an hourly rate. In this section of the proposal, the proposer must include the proposed hourly rate and separately, the Per Issue Fee to be charged for competitive, negotiated, and pooled loan transactions. If the proposer has identified other services to be provided, note whether these are included in the above compensation schedule or if there are additional charges. If so, the related fee schedule must be included. Identify whether the proposed fee schedule includes expenses. If not, provide an estimate, or an amount "not to exceed" on an annual basis. (Reference Section VI on page 7)

Section E. Additional Information

1. Provide a certificate reflecting the amount of professional liability insurance currently carried by your firm.
2. Identify any regulatory actions against your firm during the past five years and any investigations currently underway by any local, state or federal agency.
3. Describe any litigation brought forward by any governmental entity during the past five years related to the professional activities of the firm. Indicate resolution of litigation, or if still outstanding.
4. Provide a copy of your firm's standard financial advisory agreement.

Section F. Required Forms

Please place all forms as required in the general instructions and contained in this request for proposals in this section. Be sure to fully complete all forms so that your proposal is not determined non-responsive. Should you have any questions, please contact the individuals listed in Section IIC.

IX. INDEMNIFICATIONS:

The Contractor agrees to indemnify and hold harmless the County from all claims, damages, liabilities, or suits of any nature whatsoever arising out of, because of, or due to the breach of this agreement by the Contractor, its delegates, agents or employees, or due to any act or occurrence of omission or commission of the Contractor, including but not limited to costs and a reasonable attorney's fee. The County may, at its sole option, defend itself or allow the Contractor to provide the defense. The Contractor acknowledges that ten dollars (\$10.00) of the amount paid to the Contractor is sufficient consideration for the Contractor's indemnification of the County.

X. MINORITY BUSINESS ENTERPRISE AND EQUAL EMPLOYMENT OPPORTUNITY POLICIES:

A. Minority Business Enterprise Requirements

Firms responding to this RFP are hereby made aware of the County's goals for MBE utilization. Respondents should contact Agatha Muse-Salters, Leon County MBE Coordinator, at phone (850) 488-7509; fax (850) 487-0928; e-mail saltersa@mail.co.leon.fl.us for additional information.

As a part of the selection process for this project, the ranking procedure will provide a maximum of ten (10) percent of the total score where MBE's are used as follows:

MBE Participation Level

Percentage

The respondent is certified as a Minority Business Firm with Leon County, as defined in the County's MWBE policy.

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The respondent has certified that a minimum of 15.5% of the ultimate fee will be subcontracted to certified MBE Firm(s), and has identified in the proposal the MBE Firm(s) that it intends to use.

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B. Equal Opportunity/Affirmative Action Requirements

The contractors and all subcontractors shall agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.

For federally funded projects, in addition to the above, the contractor shall agree to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

In addition to completing the Equal Opportunity Statement, the Respondent shall include a copy of any affirmative action or equal opportunity policies in effect at the time of submission.

XI. INSURANCE REQUIREMENTS

A. Insurance Requirements for Contractors

Bidder's attention is directed to the insurance requirements below. Bidders should confer with their respective insurance carriers or brokers to determine in advance of bid submission the availability of insurance certificates and endorsements as prescribed and provided herein. If an apparent low bidder fails to comply strictly with the insurance requirements, that bidder may be disqualified from award of the contract.

Contractor shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees, or subcontractors. The cost of such insurance shall be included in the Contractor's bid.

1. **Minimum Limits of Insurance.** Contractor shall maintain limits no less than:

- a. General Liability: \$1,000,000 Combined Single Limit for bodily injury and property damage per occurrence with a \$2,000,000 annual aggregate.
- b. Automobile Liability: One Million and 00/100 (\$1,000,000.00) Dollars combined single limit per accident for bodily injury and property damage. **(Non-owned, Hired Car).**
- c. Workers' Compensation/Employers Liability: Insurance covering all employees meeting Statutory Limits in compliance with the applicable state and federal laws and Employer's Liability with a limit of \$500,000 per accident, \$500,000 disease policy limit, \$500,000 disease each employee. **Waiver of Subrogation in lieu of Additional Insured is required.**
- d. Professional Liability Insurance, including errors and omissions: for all services provided under the terms of this agreement with minimum limits of One Million and 00/100 (\$5,000,000.00) Dollars per occurrence; or claims made form with "tail coverage" extending three (3) years beyond the term of the agreement. Proof of "tail coverage" must be submitted with the invoice for final payment. In lieu of "tail coverage", Contractor may submit annually to the County a current Certificate

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of Insurance proving claims made insurance remains in force throughout the same three (3)-year period.

2. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

3. **Other Insurance Provisions.** The policies are to contain, or be endorsed to contain, the following provisions:

a. General Liability and Automobile Liability Coverages (*County is to be named as Additional Insured*).

1. The County, its officers, officials, employees and volunteers are to be covered as additional insureds as respects; liability arising out of activities performed by or on behalf of the Contractor, including the insured's general supervision of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protections afforded the County, its officers, officials, employees or volunteers.
2. The Contractor's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees and volunteers. Any insurance of self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it. Contractor hereby waives subrogation rights for loss or damage against the county.
3. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the county, its officers, officials, employees or volunteers.
4. The Contractor's insurance shall apply separately to each insured against whom claims is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Companies issuing the insurance policy, or policies, shall have no recourse against the County for payment of premiums or assessments for any deductibles with are all at the sole responsibility and risk of Contractor.

b. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the County.

4. Acceptability of Insurers

Insurance is to be placed with insurers with a Best's rating of no less than A:VII.

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5. Verification of Coverage

Contractor shall furnish the County with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies at any time.

6. Subcontractors

Contractors shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

XII. ETHICAL BUSINESS PRACTICES

- A. Gratuities. It shall be unethical for any person to offer, give, or agree to give any County employee, or for any County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or performing in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal therefor.
- B. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- C. The Board reserves the right to deny award or immediately suspend any contract resulting from this proposal pending final determination of charges of unethical business practices. At its sole discretion, the Board may deny award or cancel the contract if it determines that unethical business practices were involved.

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PROPOSAL RESPONSE COVER SHEET

This page is to be completed and included as the cover sheet for your response to the Request for Proposals.

The Board of County Commissioners, Leon County, reserves the right to accept or reject any and/or all proposals in the best interest of Leon County.

Keith M. Roberts, Purchasing Director

Jane G. Sauls, Chairman
Leon County Board of County Commissioners

This response is submitted by the below named firm/individual by the undersigned authorized representative.

BY _____
(Firm Name)

(Authorized Representative)

(Printed or Typed Name)

(Designated Contact Person, if different than above person)

ADDRESS _____

CITY, STATE, ZIP _____

TELEPHONE _____

FAX _____

ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)

Addendum #1 dated _____ Initials _____

Addendum #2 dated _____ Initials _____

Addendum #3 dated _____ Initials _____

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STATEMENT OF NO PROPOSAL

We, the undersigned, have declined to respond to the above referenced RFP for the following reasons:

_____ We do not offer this service

_____ Our schedule would not permit us to perform.

_____ Unable to meet specifications

_____ Others (Please Explain)

We understand that if the no-bid letter is not executed and returned, our name may be deleted from the list of qualified bidders for Leon County.

Company Name _____

Signature _____

Name (Print/Type) _____

Telephone No. _____

FAX No. _____

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**SWORN STATEMENT UNDER SECTION 287.133(3)(a),
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

**THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR
OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.**

1. This sworn statement is submitted to Leon County Board of County Commissioners

by _____
[print individual's name and title]

for _____
[print name of entity submitting sworn statement]

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____.
(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn
statement: _____).

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:

- a. A predecessor or successor of a person convicted of a public entity crime: or
- b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an

entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. [Indicate which statement applies.]

- _____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
- _____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
- _____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However there has been a subsequent proceeding before a hearing a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. [Attach a copy of the final order.]

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(signature)

Sworn to and subscribed before me this _____ day of _____, 20____.

Personally known _____ OR Produced identification _____
(Type of identification)

NOTARY PUBLIC

Notary Public - State of _____

My commission expires: _____

Printed, typed, or stamped
commissioned name of notary public

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**MINORITY BUSINESS ENTERPRISE PROGRAM
PARTICIPATION OF MBEs/WBEs**

1. FIRM NAME _____
2. FLORIDA CORPORATE REGISTRATION NUMBER _____
3. ADDRESS (Assigned Project Office) _____
4. MWBE PARTICIPATION - MWBE firms and sub-contractors must be certified with the State of Florida, the Florida Department of Transportation, the City of Tallahassee, or Leon County to qualify for MWBE participation credit.

<u>MWBE Participation Level</u>	<u>Points</u>
_____ The respondent is certified as a Minority Business Firm with Leon County, as defined in the County's MWBE policy.	10
_____ The respondent has certified that a minimum of 15.5% of the ultimate fee will be subcontracted to certified MWBE Firm(s), and has identified in the proposal the MWBE Firm(s) that it intends to use.	6

<u>Name, Address, and Phone</u>	<u>Materials/Services</u>	<u>Amount</u>	<u>Group</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The vendor acknowledges the Leon County MWBE policy and the provisions specified for this RFP. If applicable, vendor certifies that the above list of minority vendors and the respective contract amounts and percentages of the total bid are accurate. In witness, hereof, the vendor has hereunto set his signature and affixed his seal this _____ day of _____ A.D., 20__.

Signed: _____ Title: _____

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EQUAL OPPORTUNITY/AFFIRMATIVE ACTION STATEMENT

1. The contractors and all subcontractors hereby agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.
2. The contractor agrees to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

Signed: _____

Title: _____

Firm: _____

Address: _____

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**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
And OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - © Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- (3) No subcontract will be issued for this project to any party which is debarred or suspended from eligibility to receive federally funded contracts.

Signature

Title

Contractor/Firm

Address

LOCAL VENDOR CERTIFICATION

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The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

- Has had a fixed office or distribution point located in and having a street address within Leon County for at least six (6) months immediately prior to the issuance of the request for competitive bids or request for proposals by the County; and
- Holds any business license required by the County, and, if applicable, the City of Tallahassee (please attach copies); and
- Employs at least one (1) full time employee, or two (2) part time employees whose primary residence is in Leon County, or, if the business has no employees, the business shall be at least fifty percent (50%) owned by one or more persons whose primary residence is in Leon County.

Please complete the following in support of the self-certification. Failure to provide the information requested will result in denial of certification as a local business.

Business Name:	Phone:
Current Local Address:	Fax:
If the above address has been for less than six months, please provide the prior address.	
Length of time at this address	
Number of Employees and hours worked per week by each:	
Name and Address of Owner(s) who reside in Leon County and who in total own at least 50% or more of the business. Attach additional sheets as necessary.	Percentage of Ownership
1.	
2.	

Signature of Authorized Representative

Date

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____.

By _____, of _____,
(Name of officer or agent, title of officer or agent) (Name of corporation acknowledging)

a _____ corporation, on behalf of the corporation. He/she is personally known to me
(State or place of incorporation)

or has produced _____ as identification.
(type of identification)

Signature of Notary

Print, Type or Stamp Name of Notary

Title or Rank

Serial Number, If Any

Return Completed form with
supporting documents to:

Leon County Purchasing Division
2284 Miccosukee Road
Tallahassee, Florida 32308